

## Message Text

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PAGE 01 BOMBAY 01917 020720Z  
ACTION DOE-15

INFO OCT-01 NEA-10 ISO-00 SOE-02 SSO-00 AID-05 IO-13  
NSCE-00 DOEE-00 JUSE-00 ACDA-12 CIAE-00 INR-10  
L-03 NSAE-00 EB-08 NRC-05 OES-09 DODE-00 SS-15  
SP-02 CEQ-01 INRE-00 PM-05 /116 W  
-----042357 020730Z /16

O R 020645Z AUG 78  
FM AMCONSUL BOMBAY  
TO SECSTATE WASHDC IMMEDIATE 8488  
INFO AMEMBASSY NEW DELHI

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FOR BASTIN, DEPARTMENT OF ENERGY

E.O. 11652 N/A (DECLASSIFY UPON RECEIPT)  
TAGS: MNUC, TECH, IN  
SUBJ: TARAPUR RERACKING STUDY

REF: BOMBAY 1887

1. I HAVE RECEIVED A CONDITIONAL ACCEPTANCE FROM J.C. SHAH, CHAIRMAN OF THE ATOMIC POWER AUTHORITY OF THE AMENDMENT GE HAS PROPOSED FOR CLAUSE 9 OF OUR STUDY AGREEMENT. THE CONDITION WHICH SHAH ADDS IS THAT THE COST OF ADDITIONAL ITEMS SUCH AS TECHNICAL CONSULTATIONS, SERVICES AND EQUIPMENT FOR WHICH INDEMNITY IS SOUGHT WILL BE GOVERNED BY CLAUSE 4 OF THE AGREEMENT.

2. THE OPERATIONAL PARTS OF SHAH'S LETTER DATED AUGUST 1, 1978, EXTENDING AGREEMENT TO THE GE PROPOSED CHANGES FOLLOWS:

QUOTE:

IT IS SEEN THAT GE HAVE PROPOSED A FURTHER CHANGE IN THE PROPOSAL CONTAINED IN THEIR MEMORANDUM OF JULY 7, 1978. THE WORDS  
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'ADJUNCT TO THE SERVICES AND' ARE BEING DROPPED AND THE WORD 'OR' IS BEING ADDED. ON THE UNDERSTANDING THAT THE COSTS OF ADDITIONAL ITEMS LIKE TECHNICAL CONSULTATIONS, SERVICES AND EQUIPMENT FOR WHICH INDEMNITY IS SOUGHT TO BE EXTENDED WILL BE GOVERNED BY CLAUSE 4 OF THE AGREEMENT, WE HAVE NO OBJECTION TO THE CHANGE PROPOSED IN CLAUSE 9.

ON THIS BASIS, MODIFIED CLAUSE 9 WOULD READ AS FOLLOWS:

"CLAUSE 9: GOVERNMENT OF INDIA AGREES TO INDEMNITY AND HOLD HARMLESS ERDA, THE GOVERNMENT OF THE UNITED STATES OF AMERICA, PERSONS ACTING ON THEIR BEHALF, AND THE CONTRACTORS AND SUBCONTRACTORS OF ERDA AGAINST ANY AND ALL DAMAGES, LIABILITIES, OR COSTS INCURRED BY THE GOVERNMENT OF INDIA OR ANH OTHER PERSON WHICH MAY ARISE FROM TECHNICAL CONSULTATION, SERVICES, EQUIPMENT OR THE USE OR APPLICATION OF THE INFORMATION PROVIDED BY ERDA OR SUCH CONTRACTORS OR SUBCONTRACTORS UNDER THIS AGREEMENT. THIS INDEMNITY SHALL APPLY TO ALL CLAIMS, INCLUDING THOSE BASED ON CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, WARRANTY OR OTHERWISE, ASSERTED AGAINST ERDA, ITS CONTRACTORS OR SUBCONTRACTORS, PROVIDED THAT THIS INDEMNITY WILL NOT APPLY TO ANY DAMAGES, LIABILITIES, OR COSTS INCURRED BY THE GOVERNMENT OF INDIA FOR VIOLATION BY THE GOVERNMENT OF INDIA OF PROPRIETARY RIGHTS OR PATENT RIGHTS WITH RESPECT TO ANY PROPRIETARY OR PATENTED INFORMATION PROVIDED BY ERDA OR SUCH CONTRACTORS OR SUBCONTRACTORS WHICH PROPRIETARY OR PATENTED INFORMATION HAS NOT BEEN SO IDENTIFIED. THE GOVERNMENT OF INDIA ACKNOWLEDGES THAT ERDA CONTRACTORS AND SUBCONTRACTORS WILL NOT BE DENIED THE RIGHT TO PROCEED DIRECTLY AGAINST GOVERNMENT OF INDIA IN RESPECT TO THESE INDEMNITY RIGHTS."

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I TRUST THIS WOULD ENABLE DOE TO ENSURE THAT THE STEPS TO BE TAKEN BY THEM AND GE PROCEED ALONG THE SCHEDULE DISCUSSED RECENTLY IN BOMBAY.

YOURS SINCERELY,

SD./-

(J.C. SHAL)

UNQUOTE

COURTNEY

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TARAPUR, STUDIES, NUCLEAR POWER PLANTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 02 aug 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978BOMBAY01917  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780315-1110  
**Format:** TEL  
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**Handling Restrictions:** n/a  
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**Litigation History:**  
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**Message ID:** 56240358-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION DOE  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 78 BOMBAY 1887  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 25 may 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 1552924  
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**Status:** NATIVE  
**Subject:** TARAPUR RERACKING STUDY  
**TAGS:** MNUC, TECH, IN  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/56240358-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014